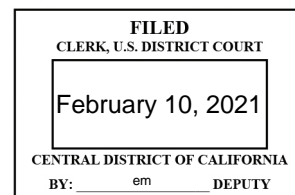


UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

JOSE LUIS QUEZADA-DUARTE,
 aka "Jose Luis Duarte,"
 "Jose Quezada Duarte," and
 "Marcos Quesada,"

Defendant.

Case No. 2:21-mj-00713-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE
 OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 23, 2020, in the county of Los Angeles in the Central District of California, the defendant violated:

*Code Section**Offense Description*

8 U.S.C. §§ 1326(a), (b)(2)

Illegal Alien Found in the United States Following Deportation

This criminal complaint is based on these facts: *Please see attached affidavit.*

☒ Continued on the attached sheet.

/s/ Carlos G. Ayala

Complainant's signature

Carlos G. Ayala, Deportation Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: February 10, 2021

Judge's signature

City and state: Los Angeles, California

Patricia Donahue, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Carlos G. Ayala, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against JOSE LUIS QUEZADA-DUARTE, also known as "Jose Luis Duarte," "Jose Quezada Duarte," and "Marcos Quesada" ("QUEZADA-DUARTE"), charging him with violating Title 8, United States Code, Sections 1326(a) and (b)(2), Illegal Alien Found in the United States Following Deportation.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and does not purport to set forth all of my knowledge of, or investigation into, this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND OF DEPORTATION OFFICER CARLOS G. AYALA

3. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"). I have been a DO with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since September 2015. I am currently assigned to the Los Angeles Enforcement and Removal Operations ("ERO") field

office. Prior to working for ICE as a DO, I worked as an Immigration Enforcement Agent with ICE since September 2005.

III. STATEMENT OF PROBABLE CAUSE

4. On or about December 6, 2019, DO Davey notified me that he had received a tip that QUEZADA-DUARTE, a previously deported criminal alien, had illegally returned to the United States and was residing in the Los Angeles area. Based on this tip, surveillance was conducted on QUEZADA-DUARTE's last known residence located in Los Angeles, California.

5. On or about January 23, 2020, DO Ruiz saw a man exiting the residence, and compared photographs contained in QUEZADA-DUARTE's DHS A-file to that of the man he saw exiting the residence, and determined that they were the same person. Based on this comparison, DO Ruiz determined that QUEZADA-DUARTE had returned to the United States.

6. Based on my training and experience, I know that a DHS "A-File" is a file in which immigration records are maintained for aliens admitted to or found in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and records relating to deportation or other actions by INS or DHS with respect to the subject alien for whom the DHS A-File is maintained.

7. On February 20, 2020, I obtained and reviewed DHS A-File A097-373-355, which is maintained for the subject alien "JOSE LUIS QUEZADA-DUARTE." The A-File contained the following documents and information:

a. Four executed Warrants of Removal/Deportation (Form I-205) indicating that QUEZADA-DUARTE was officially removed or deported from the United States on or about October 21, 2004, July 13, 2005, February 5, 2007, and December 26, 2017. I know from my training and experience that a Warrant of Removal/Deportation is executed each time a subject alien is removed and excluded from the United States by ICE (and its predecessor agency, the INS) and usually contains the subject's photograph, signature, and fingerprint. All executed Warrants of Removal/Deportation in QUEZADA-DUARTE's DHS A-File contain a photograph, a signature, and fingerprint.

b. A certified conviction record showing that QUEZADA-DUARTE was convicted on or about October 6, 2015, under the name "Jose Luis Duarte," of Lewd Act Upon a Child, in violation of California Penal Code Section 288(a), in the Superior Court of the State of California, Los Angeles County, Case Number NA102079, for which QUEZADA-DUARTE was sentenced to three years' imprisonment.

c. Various documents, in addition to the Warrants of Removal/Deportation, indicating that QUEZADA-DUARTE is a native and citizen of Mexico. These documents include: (i) one Order of an Immigration Judge, dated October 21, 2004, ordering QUEZADA-DUARTE removed to Mexico; and (ii) one Record of Sworn Statement, dated January 27, 2007, in which QUEZADA-DUARTE admits that he is a native and citizen of Mexico.

8. On or about May 6, 2020, I reviewed the printouts of the Interstate Identification Index ("III"). Based on my

training and experience, I know that the III database tracks and records arrests and convictions of individuals according to an individual's State Identification number or Federal Bureau of Investigation number. The III printouts confirmed that QUEZADA-DUARTE was convicted of the crime reflected on the documents contained in QUEZADA-DUARTE's DHS A-File, and described above.

9. On May 6, 2020, I reviewed the printouts of ICE computer indices on QUEZADA-DUARTE. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is removed or excluded from the United States by ICE, or deported by the former INS, or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that QUEZADA-DUARTE had been removed and deported on the dates indicated on the Warrants of Removal/Deportation found in QUEZADA-DUARTE's DHS A-File and described above. The ICE computer indices further indicated that QUEZADA-DUARTE had not applied for, or obtained from the Attorney General or the Secretary of Homeland Security, permission to re-enter the United States legally since QUEZADA-DUARTE had last been deported.

10. Based on my review of QUEZADA-DUARTE's DHS A-File, I determined that his A-File does not contain any record of his ever applying for, or receiving from the Attorney General or the Secretary of Homeland Security, permission to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation

existed, it would ordinarily be found in QUEZADA-DUARTE's DHS A-File.

IV. CONCLUSION

11. For all the reasons described above, there is probable cause to believe that JOSE LUIS QUEZADA-DUARTE has violated Title 8, United States Code, Sections 1326(a) and (b)(2), Illegal Alien Found in the United States Following Deportation.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this 10th day of
February, 2021.



HONORABLE PATRICIA
UNITED STATES MAGISTRATE JUDGE
DONOHUE